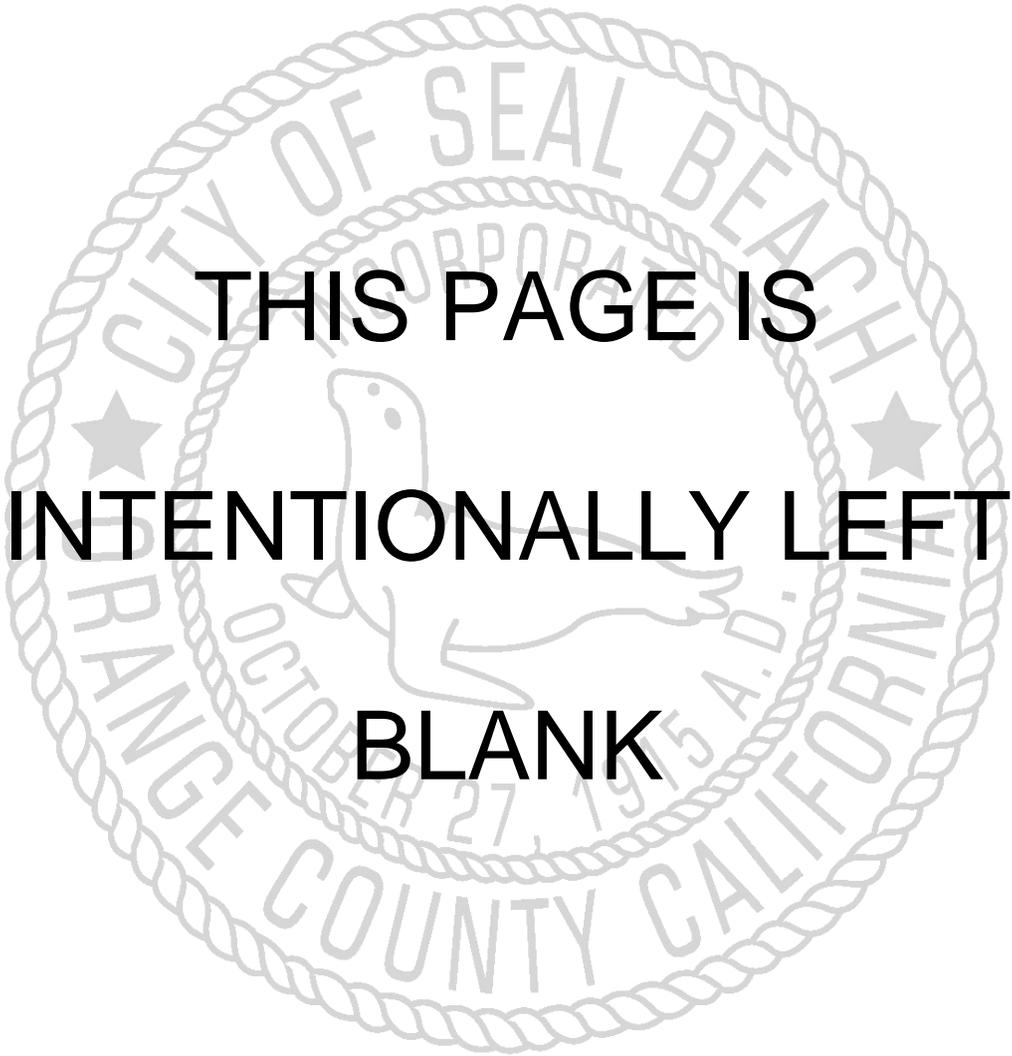


TITLE 12: MOBILE HOME PARK CONVERSION

Ordinance No. 1568 (Adopted 04/21/08)

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Chapter 12.05 Mobile Home Park Conversion

§ 12.05.005 Authority and Short Title.

This Chapter is enacted pursuant to the City's police power and the authority of California Government Code Sections 65863.7, 65863.8 and 66427.4. This Chapter shall be known and may be cited as the "Seal Beach Mobile Home Park Conversion Ordinance."

§ 12.05.010 Definitions.

For the purposes of this Chapter, unless the context clearly requires otherwise, the following definitions shall apply:

A. Absentee Owner: a person who owns a mobile home in a mobile home park and does not reside at such mobile home.

B. Affected Mobile home Owners and Residents: absentee owners, resident owners and resident tenants whose mobile home will be displaced by the conversion of a mobile home park.

C. Certificate of Acceptance: a written declaration expressing a conversion proposer's acceptance of the conditions imposed by the City in connection with approval of a conversion impact report.

D. Commission: the City Planning Commission of the City of Seal Beach, California. Also referred to as the "*Planning Commission*."

E. Comparable Housing: housing that is equivalent (or better) in terms of amenities, condition, location, price and size (floor area and number of bedrooms) to the mobile home to which comparison is being made.

F. Comparable Mobile home Park: a mobile home park that is equivalent (or better) in terms of amenities, condition, location and rental price to the mobile home park to which comparison is being made.

G. Conversion Proposer: a mobile home park owner who proposes to perform a mobile home park conversion.

H. Conversion Impact Report: a report, meeting the requirements of this Chapter, describing the impacts of a mobile home park conversion on affected mobile home owners and residents; and the measures that will be taken to mitigate adverse impacts of such conversion on affected mobile home owners and residents.

I. Director: the Director of Development Services of the City of Seal Beach, California or the designee thereof.

J. Mobile home: a “mobile home” as such term is defined in the Mobile home Residency Law. “Mobile home” also means camping trailers, motor homes, slide-in campers and travel trailers when used as the occupant’s primary place of residence as established by 9 months continuous residency.

K. Mobile home Improvements: carports, earthquake bracing, landscaping, new roofs, patios, porches and similar amenities and major repairs.

L. Mobile home Park: a “mobile home park” as such term is defined in the Mobile home Residency Law.

M. Mobile home Park Conversion:

1. the conversion of a mobile home park or any part thereof to another use;
2. the closure of a mobile home park or any part thereof; and
3. the cessation of use of land as a mobile home park.

N. Mobile home Residency Law: California Civil Code Section 798 *et seq.* as such statute exists at the time of enactment of this Chapter or as subsequently amended.

O. Resident Owner: a person who owns a mobile home in a mobile home park and resides at such mobile home.

P. Resident Tenant: a person who rents or leases a mobile home in a mobile home park and resides at such mobile home.

§ 12.05.015 Conversion Impact Report Requirement.

Unless a conversion impact report has been approved by the City and a certificate of acceptance has been recorded, no mobile home park owner shall do any of the following:

- A. Perform a mobile home park conversion.
- B. Display a sign announcing that the mobile home park is closing, may be closing or has been closed.

C. Display a sign announcing a new use for the mobile home park property.

§ 12.05.020 Pre-Conversion Questionnaire.

A. Prior to filing a conversion impact report for City approval, a conversion proposer shall distribute a pre-conversion questionnaire to affected mobile home owners and residents. The conversion proposer shall afford affected mobile home owners and residents no less than 30 days to complete the pre-conversion questionnaire.

B. The Director shall promulgate a pre-conversion questionnaire for use by conversion proposers. At a minimum, the pre-conversion questionnaire shall include provisions for declaration of the following:

1. The purchase date and purchase price of the mobile home.
2. The amount and terms of any outstanding mortgage obligation for the mobile home.
3. Any mobile home improvements that have been paid for by the respondent and the costs of such improvements.
4. Any circumstances, including but not limited to job location, that restrict potential relocation areas.

§ 12.05.025 Relocation Specialist.

As deemed appropriate for preservation of the public health, safety and welfare, the Director may require a conversion proposer to hire a relocation specialist to find alternate housing for affected mobile home owners and residents. The conversion proposer shall choose the relocation specialist with the Director's approval. The conversion proposer shall pay all costs and expenses incurred by the relocation specialist.

§ 12.05.030 Conversion Impact Report Content.

A. Required Contents of Conversion Impact Report. Each conversion impact report submitted for City approval shall contain the following:

1. Legal description of the mobile home park.
2. The purchase price paid by the conversion proposer to acquire the mobile home park.

3. Current sale value of the mobile home park property as a mobile home park and as all other uses permitted by the zoning designation of the property.
4. Description of any use proposed to replace the mobile home park.
5. Any offers to sell the mobile home park.
6. Timetable for the mobile home park conversion.
7. Number of spaces in the mobile home park and the current rental rate for each space.
8. Name, mailing address, age and disability status of each resident owner and resident tenant having a mobile home in the mobile home park and whether the mobile home constitutes such person's primary place of residence.
9. Name and mailing address of each absentee owner having a mobile home in the mobile home park.
10. Name and mailing address of each lender having an interest in a mobile home in the mobile home park.
11. Manufacture date, size, length of occupancy and the appraised on-site fair market value of each mobile home in the mobile home park. "Fair market value" shall be determined assuming the continuation of the mobile home park in a safe, sanitary and well-maintained condition. The appraisal shall be performed by an appraiser selected by the Director. The conversion proposer shall pay all costs and expenses associated with the appraisal, including any appraisal fees.
12. Estimates from 2 moving companies, chosen by the conversion proposer with the Director's approval, as to the cost of moving mobile homes, relocatable mobile home improvements, and personal property. The estimates shall include tear-down and set-up costs. "Set-up costs" include the cost of connecting utilities at the new location and the cost of any upgrades required to comply with applicable laws.
13. Estimates from two temporary lodging facilities, chosen by the conversion proposer with the Director's approval, as to the cost of providing temporary lodging for resident owners and resident tenants who are unable to complete relocation within one day.

14. Itemization of available mobile home spaces within comparable mobile home parks within a 50 mile radius. Such itemization shall indicate the rental rate for each space and whether the owner of that mobile home park has agreed in writing to accept affected mobile home owners and residents that are displaced by the mobile home park conversion.

15. Itemization of available comparable housing within a 50 mile radius. Such itemization shall indicate the purchase price for each equivalent (or better) mobile home or condominium, as well as the rental rate for each equivalent (or better) mobile home, condominium or apartment.

16. Completed pre-conversion questionnaires.

17. Proposed measures to mitigate the adverse impacts of the mobile home park conversion on affected mobile home owners and residents.

B. Additional Information Requirements. The Director may require a conversion proposer to include information in the conversion impact report in addition to that specified in paragraph “A” above.

§ 12.05.035 Public Hearing Regarding Conversion Impact Report.

A. Public Hearing Notice Required. Upon the filing of a complete conversion impact report for City review, the Director shall schedule a public hearing before the Commission. Notice of the public hearing shall be provided in accordance with Title 11: *Zoning*, Chapter 11.5.10: *General Procedures* of this Code and shall also be provided as set forth in paragraph “B” below.

B. Additional Public Hearing Notice Requirements. At least 30 days prior to the hearing date, the Director shall perform the following actions:

1. Mail a notice of the public hearing and a copy of conversion impact report to affected mobile home owners and residents, and to each lender having an interest in a mobile home in the mobile home park. The notice shall contain a general explanation of the matters to be considered by the Commission. The copy of the conversion impact report shall not include the completed pre-conversion questionnaires but shall include the appraisal of the mobile home owned or resided in by that particular notice recipient.

2. Inform the conversion proposer in writing of the provisions of Civil Code Section 798.56 regarding the conversion proposer’s duty to notify affected mobile home owners and residents of the proposed conversion. Such writing shall specify the manner in which the conversion proposer shall verify that affected mobile home owners and residents have been notified of the proposed conversion.

C. Commission to Hold Public Hearing. The Commission shall conduct a public hearing on the conversion impact report at the time and place set forth in the hearing notice. Such hearing shall not be held before the conversion proposer has satisfactorily verified that affected mobile home owners and residents have been notified of the proposed conversion pursuant to Civil Code Section 798.56.

D. Costs of Public Hearing Notice. The conversion proposer shall pay all costs associated with providing notice, including any publishing and postage expenses.

§ 12.05.040 Decision Regarding Conversion Impact Report.

A. Commission to Adopt Resolution. After the conclusion of the public hearing, the Commission shall adopt a resolution approving or rejecting a proposed conversion impact report. The Commission shall approve or conditionally approve a conversion impact report if it finds that the conversion impact report contains, or has been conditioned to contain, reasonable measures to mitigate the adverse impacts of the mobile home park conversion on affected mobile home owners and residents.

B. Commission May Impose Conditions. Subject to paragraph “C” below, the Commission may impose conditions in connection with its approval of a conversion impact report. Such conditions may include, but are not limited to, lump sum payments to affected mobile home owners and residents to mitigate the following expenses as applicable to each particular absentee owner, resident owner and resident tenant having a mobile home in the mobile home park:

1. The Expense of Relocating the Mobile home to a Comparable Mobile home Park. The amount of such payment shall be based upon consideration of moving, tear-down and set-up costs. “Moving costs” include the cost of moving the mobile home and the cost of moving associated relocatable mobile home improvements. “Set-up costs” include the cost of connecting utilities at the replacement mobile home park and the cost of any upgrades required to comply with applicable laws.

2. The Expense of Forfeiting the Mobile home. The amount of such payment shall be based upon consideration of: (i) the on-site fair market value of the mobile home and associated mobile home improvements; and (ii) any outstanding mortgage obligation of the owner. “Fair market value” shall be determined assuming the continuation of the mobile home park in a safe, sanitary and well-maintained condition.

3. The Expense of Assuming Tenancy in a Comparable Mobile home Park. The amount of such payment shall be based upon consideration of: moving costs; 1st month’s rent, last month’s rent and security deposit at the

replacement mobile home park; differential between rental rates at the mobile home park being converted and the replacement mobile home park during the 1st year of relocation; and if necessary, the cost of purchasing an equivalent mobile home in the replacement mobile home park.

4. The Expense of Assuming Tenancy in Comparable Housing.

The amount of such payment shall be based upon consideration of: moving costs; 1st month's rent, last month's rent, and security deposit at the replacement housing; and differential between the rental rate at the mobile home park being converted and the replacement housing during the 1st year of relocation.

5. The Expense of Purchasing Comparable Housing.

The amount of such payment shall be based upon consideration of: moving costs; down payment for the replacement housing; and differential between the rental rate at the mobile home park being converted and the mortgage payment for the replacement housing during the first year of relocation.

C. Limitations on Imposed Conditions.

The conditions imposed in connection with approval of a conversion impact report shall not exceed the reasonable costs of relocation. Conditions shall only be imposed in order to ensure that the conversion proposer adequately mitigates adverse impacts of the mobile home park conversion on affected mobile home owners and residents.

In imposing conditions, the City shall interpret and apply this Chapter in a manner consistent with applicable law.

§ 12.05.045 Certificate of Acceptance.

Upon City approval of a conversion impact report, the conversion proposer shall record a certificate of acceptance on the title of the mobile home park property. City approval of a conversion impact report shall not be effective until proof of recordation of a certificate of acceptance has been delivered to the Director. The Director shall promulgate a form certificate of acceptance for use by conversion proposers.

§ 12.05.050 Performance of Mitigation Measures.

The conversion proposer shall fully perform the mitigation measures set forth in, and the conditions imposed in connection with, the approved conversion impact report. No affected mobile home owner or resident shall be required to vacate a mobile home space unless the conversion proposer has performed all mitigation measures and conditions of approval applicable to such owner or resident.

§ 12.05.055 Modification of Conversion Impact Report.

A. Commission to Hold Public Hearing. The Commission may, upon request of conversion proposer and after holding a public hearing, modify the provisions of an approved conversion impact report. A modification may be approved where the Commission finds that there has been a change in circumstances, or there is new information that could not have reasonably been known or considered at the time of the original hearing on approval of the conversion impact report.

B. Commission May Impose Additional Conditions. The Commission may impose additional conditions as deemed necessary to mitigate any adverse impacts resulting from a modification of an approved conversion impact report.

C. Recordation of Certificate of Acceptance. Upon City approval of modification of an approved conversion impact report with additional conditions, the conversion proposer shall record a certificate of acceptance on the title of the mobile home park property. City approval of modification of an approved conversion impact report shall not be effective until proof of recordation of a certificate of acceptance has been delivered to the Director.

§12.05.060 Expiration of Conversion Impact Report.

A. Expiration Time Periods. An approved conversion impact report shall expire (i) 30 days after adoption of the resolution of approval, unless proof of recordation of a certificate of acceptance is delivered to the Director prior to such date; or (ii) 1 year after delivery to the Director of proof of recordation of a certification of acceptance, unless an extension is granted prior to such date pursuant to this Section.

B. Extension of Time – Public Hearing Required. The Commission may, upon request of the conversion proposer and after holding a public hearing, extend the term of an approved conversion impact report. An extension may be granted where the Commission finds that expiration of the conversion impact report would constitute an undue economic hardship to the conversion proposer.

C. Commission May Impose Additional Conditions. The Commission may impose additional conditions as deemed necessary to mitigate any adverse impacts resulting from an extension. The Commission may grant multiple extensions of an approved conversion impact report but no single extension shall have a duration in excess of 1 year.

D. Recordation of Certificate of Acceptance. Upon City approval of an extension of an approved conversion impact report with additional conditions, the conversion proposer shall record a certificate of acceptance on the title of the mobile home park property. City approval of an extension of an approved

conversion impact report shall not be effective until proof of recordation of a certificate of acceptance has been delivered to the Director.

§ 12.05.065 Nullification of Conversion Impact Report.

A. Commission Public Hearing Required. The Commission may, upon request of the Director and after holding a public hearing, order an approved conversion impact report null and void. No nullification shall be ordered unless the Commission makes either of the following findings:

1. Fraudulent Approval of Conversion Impact Report. Approval of the conversion impact report was obtained fraudulently.

2. Failure to Comply with Conditions Imposed. The conversion proposer has failed to comply with the mitigation measures set forth in, or the conditions imposed in connection with, the approved conversion impact report.

B. New Conversion Impact Report Required. If a conversion impact report is nullified, then the conversion proposer shall not be entitled to perform the mobile home park conversion until a new conversion impact report is approved in accordance with this Chapter.

§ 12.05.070 Right of First Refusal.

A conversion proposer shall afford affected mobile home owners and residents a right of first refusal to purchase, lease or rent housing that is constructed for sale, lease or rental on the site of the mobile home park proposed to be converted.

§ 12.05.075 Appeal.

Any Commission decision pursuant to this Chapter may be appealed to the City Council in accordance with Title 1: *General Provisions*, Chapter 1.20: *Review of Quasi-Judicial Decisions*.

§ 12.05.080 Processing Fees.

Each conversion proposer seeking City approval, modification or extension of a conversion impact report shall pay a nonrefundable application deposit in an amount established by City Council resolution. In addition, the conversion proposer shall reimburse the City for all costs, including staff time and attorney's fees, incurred in processing and reviewing the proposer's conversion impact report.

§ 12.05.085 Building Permits.

No building permit shall be issued for conversion of a mobile home park property until the conversion proposer has filed with the Director a written statement confirming full performance of the mitigation measures set forth in, and the conditions imposed in connection with, the approved conversion impact report. Such statement shall specify in itemized form the name of each affected mobile home owner and resident and the date and type of relocation assistance provided to such person. The statement shall be executed under penalty of perjury.

§ 12.05.090 Exemption.

This Chapter shall not apply to any mobile home park conversion resulting from an adjudication of bankruptcy.

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